



NORTH CAROLINA  
Environmental Quality

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Director

To: NC County and Municipal Government officials

From: Jamie Ragan, Director – Div. of Environmental Assistance and Customer Service  
Michael Scott, Director – Division of Waste Management

Date: September 28, 2020

Subject: Landfill Banned Waste and Recycling Requirements in North Carolina

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The purpose of this memorandum is to emphasize the importance of county and municipal recycling programs to support the local economy, protect the environment, preserve existing disposal capacity, and comply with state laws as well as provide guidance on state statutes that pertain to recycling and solid waste.

The Department of Environmental Quality (DEQ), through recent communications with local government staff, residents, and waste collection and disposal companies, understands that some communities across the state are considering partially or fully suspending recycling programs. The Department is concerned that these decisions may create long-term, unintended consequences for communities and the industries that depend on recycled material.

A robust recycling program is a cornerstone for a sustainable community that demonstrates a commitment to local business and the environment as well as helps preserve long-term local and statewide disposal capacity. Recycling programs are highly valued by residents for their contribution to the community's public health, resource preservation and economic development.

Periodic downturns in recycling markets occur, and local government budgets are being impacted by the COVID-19 pandemic. As such, DEQ wants to assist local governments in making informed decisions regarding the proper management of solid waste and recyclables to the benefit of all North Carolinians now and in the future, and to avoid any unintended violations by your community of state law. As a reminder, the North Carolina General Statutes referenced below apply to all county and municipal governments:

[General Statute 130A-309.10](#) prohibits amongst other wastes, the disposal of aluminum cans and plastic bottles in landfills. No government or private recycling program can



legally direct residents to dispose of aluminum cans or plastic bottles as municipal solid waste (MSW). Any landfill or incinerator operator must turn away any load of MSW that contains a substantial amount of aluminum cans, plastic bottles or other banned wastes. Local governments are allowed to seek a one-time or temporary disposal waiver for certain banned materials from DEQ; however, it must provide evidence that markets do not exist for those materials and not disposing of them would create an undue economic hardship.

[General Statute 130A-309.09B](#) requires that each unit of local government “shall establish and maintain a solid waste reduction program” and is “encouraged to separate marketable plastics, glass, metal, and all grades of paper for recycling prior to final disposal.”

Staff from the Recycling and Materials Management Section (RMMS) in the Division of Environmental Assistance and Customer Service are available to assist your community with its recycling programs. Staff can find suitable end markets for your recyclables, help address contamination issues and suggest cost-saving strategies. Staff can also assist with recycling contract management and full-cost accounting.

The Department also offers grant opportunities to assist local governments with the cost of establishing or expanding recycling programs. Most local governments – those who provide solid waste services either directly or through a contract vendor – receive funding allocations from the North Carolina Solid Waste Disposal tax. Local governments are encouraged to use disposal tax proceeds to support recycling and waste reduction programs that allow the public to divert materials from the waste stream and decrease the amount of waste sent to landfills.

For recycling assistance, please contact Matt James at 919-707-8133 / [matt.james@ncdenr.gov](mailto:matt.james@ncdenr.gov) or any other [RMMS staff member](#). Disposal waivers, where needed and justified, can be obtained by contacting your local [Solid Waste Section representative](#).

